

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Jan Falck-Schmidt

Confirmation No. 8989

Serial No.: 10/593,455

Art Unit: 3616

Filed: February 2, 2007

Examiner: Toan C. TO

For: SELF-PROPELLED VEHICLE

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner has repeated his §102 rejection of Claims 2-4 on Routledge.

Routledge does not contain all of the elements of claim 2. For example, Routledge does not have first and second distances between the bottom of the vehicle and the surface.

In addition, Routledge does not have “... moving the set of wheels to a second position such that the vehicle is raised from the surface...”

In Routledge the bottom of the vehicle as shown by the cab and engine compartment is the “semi trailer truck (10).” See Col. 3, line 10, Figures 1-3. Routledge’s vehicle bottom always remains at the same height above the surface. Only the trailer (11) and its side longitudinal frame members (12) are lowered. See Col. 3, lines 12-13.

Even that lowering is not accomplished by moving a set of wheels. The lowering and raising of the trailer (11) frame (12) is accomplished by letting air out of airbags 21 and 24.

“... the control within the cab can be utilized to let the air out of the air bags (21) and (44) so that the frame (11) will be lowered...” See Col. 4, lines 16-18.

Air bags 44 are not even connected to a set of wheels but to “...a suspension arm 41...” See Col. 3, lines 45-47.

“A link member (46) is pivotally attached by pin (47) to the frame portion (14) of the trailer (11) and at the other end thereof by a pin (48) to the truck (10).”

The truck (10) which is Routledge’s self-propelled vehicle stays at the same height at all times. Moreover, there is no bottom of Routledge’s trailer (11), just long thin frames (12).

Because claim 2 cannot be read on Routledge and because Routledge does not have all elements of claim 2, Routledge cannot anticipate claim 2.

Claim 3 specifically sets forth: “A vehicle comprising a bottom and a set of wheels movably disposed between a first position and a second position with respect to the vehicle.”

Routledge’s trailer (11) is not a vehicle.

Claim 3 adds “... in the first portion the wheels extend above the bottom of the vehicle.”

Routledge’s vehicle is the truck (10).

The wheels are always the same height with respect to the vehicle bottom, which is the bottom of Routledge’s truck (10).

Moreover, Routledge’s trailer (11) has no bottom.

Claim 3 specifically points out that the sets of wheels are lowered to extend under the bottom of the truck. That under the bottom portion is specifically shown in the last figure of the application. The wheels are literally under the bottom of the vehicle. That limitation and element is not found in Routledge.

Because claim 3 does not read on Routledge and because Routledge does not have all of the elements of claim 3, claim 3 is not anticipated by Routledge.

Claim 4 adds to claim 3 that the vehicle has a tow bar for towing the vehicle. No such tow bar is found in Routledge.

Because claim 4 does not read on Routledge and because Routledge does not have all of the elements of claim 4, claim 4 is not anticipated by Routledge.

CONCLUSION

Reversal of the Examiner's unsupported rejection of claims 2-3 is respectfully requested.

Respectfully,

/ James C. Wray /

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